IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10264 of 2004

Between:

Bhpual Reddy, S/o. M. Venkat Reddy,, age 45 years
R/o.H.No.1-8-527/104, Sarojini Chambers, Chikkadpally,
Hyderabad.

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep. by its Secretary Road & Building Dept.Secretariat Hyderabad.
2 The Executive Engineer (R&B), Roads Division, Hyderabad.
3 The Inspector General, Stamps and Registration, Musheerabad, Hyderabad.
4 Sub Registrar, Shameerpet, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or any other appropriate Writ or Writs order or direction declaring the notice dt. 19-5-2004 in Letter No.SUPDT/2003-04/329 issued by the 2nd respondent and notice No. 75/2004 dt. 6-5-2004 issued by the 4th respondent as illegal, arbitrary, without jurisdiction and unconstitutional and be pleased to pass such other orders as this hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court at the admission stage made the following O R D E R:

This writ petition is filed by the petitioner who was the successful bidder with reference to toll collection rights in respect of bridge at KM32/4 of Hyderabad-Karimnagar-Ramagundam. The lease was granted to the petitioner and the period of lease was expired by 31-03-2004. The dispute is as to the stamp duty and registration charges payable in respect of the document executed with regard to the above lease. According to the petitioner, he has paid Rs.3,24,000/- which is equivalent to 3 percent of the annual rental value towards stamp duty and Rs.50,000/- towards registration fee as contemplated under the provisions of the Indian Stamp Act. But, the second respondent after getting clarification from the registration department directed the petitioner to pay a further sum of Rs.4,41,325/- towards deficit stamp duty and Rs.22,530/- towards deficit registration fee in one installment in the form of demand draft drawn in favour of PAO, Ranga Reddy District, Hyderabad. It is also stated that simultaneously, the Sub-Registrar, Shameerpet, has also issued a notice dated 06-05-2004, directing the petitioner to pay the said amount. Assailing the above two notices, the petitioner has come up with the present writ petition.

2. Heard both sides.

3. At the time of hearing, the learned counsel for the petitioner stated that, on an earlier occasion, this Court disposed of similar matter.

4. Under the above circumstances, this writ petition is disposed of quashing the impugned notices of demand issued by the second and fourth respondents with a direction to the second respondent to refer the matter to the District Registrar, having jurisdiction, to decide the issue as to the amount of stamp duty and registration charges payable by the

petitioner with reference to the leasehold rights. On such reference, the District Registrar has to issue necessary notices to the petitioner and after hearing the petitioner, adjudicate upon the issue and determine the amount of stamp duty and registration charges payable by the petitioner and the said adjudication shall be in accordance with law. After such adjudication, if the petitioner is still aggrieved, it is always open to the petitioner to take recourse to law with reference to the remedies that are available.

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23-06-2004

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To

1 The State of Andhra Pradesh, rep. by its Secretary Road & Building Dept.Secretariat Hyderabad.
2 The Executive Engineer (R&B), Roads Division, Hyderabad.
3 The Inspector General, Stamps and Registration, Musheerabad, Hyderabad.
4 Sub Registrar, Shameerpet, Ranga Reddy District.
5 2 C.Cs to G.P for Roads & Buildings
6 2 C.D copies